




PATENT
Atty Docket No. AMO0058
171419DIV3

I CERTIFY THAT ON JUNE 17, 2008, WHICH IS THE DATE I AM SIGNING THIS CERTIFICATE, THIS CORRESPONDENCE AND IDENTIFIED ENCLOSURES ARE BEING DEPOSITED IN THE UNITED STATES POSTAL SERVICE, WITH POSTAGE PAID, VIA FIRST CLASS MAIL, IN AN ENVELOPE ADDRESSED TO: MAIL STOP RCE, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.


STEVEN W. SMYRSKI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

KENNETH E. KADZIAUSKAS, ET AL.

Title: METHOD FOR CONTROLLING FLUID
FLOW TO AND FROM AN EYE DURING
OPHTHALMIC SURGERY

Serial No.: 10/692,832

Date Filed: October 24, 2003

Group Art Unit: 3763

Examiner: Theodore J. Stigell

TERMINAL DISCLAIMER

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Steven W. Smyrski, represent that I am a patent attorney of record for this invention.

The extent of interest in this invention for which this disclaimer is being made is in the whole of this invention.

This invention is assigned to Advanced Medical Optics, Inc. of Santa Ana, California. The assignment was recorded on reel 016627, frame 0794.

Advanced Medical Optics, Inc. hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory period of United States Patent Nos. 7,018,355, 6,899,694, and 7,001,356, as presently shortened by any terminal disclaimer, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent Nos. 7,018,355, 6,899,694, and 7,001,356, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

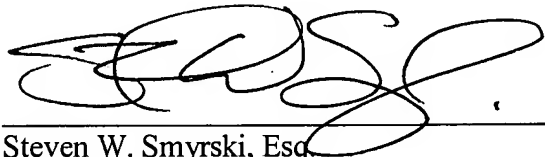
Advanced Medical Optics, Inc. does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent Nos. 7,018,355, 6,899,694, and 7,001,356, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer.

Any patent granted on this application or any patent subject to the reexamination proceeding shall be enforceable only for and during such period that said patent is commonly owned with U.S. Patent Nos. 7,018,355, 6,899,694, and 7,001,356, which formed the basis for the double patenting rejection in the present application.

Applicants had previously provided \$130.00 (large entity) to cover the fee under 37 CFR 1.20(d) and submit that no additional fee to statutorily disclaim the aforementioned patents is required at this time.

Should it be determined for any reason an insufficient fee has been paid, please charge any insufficiency to ensure consideration and allowance of this application to Deposit Account 502026.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Smyrski', written over a horizontal line.

Steven W. Smyrski, Esq.
Registration No. 38,312

Date: June 17, 2008

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